IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.117 OF 2006

Merajkhan Mehboobkhan Pathan. .. Petitioner
v/s.
The Vice-Chacenllor, University
of Mumbai & ors. .. Respondents

Mr.A.N.Pathan i/by Mr.S.G.Kudle for petitioner.
Mr.M.D.Naik for res.Nos.1 & 2.
Ms.S.M.Dandekar, AGP for res.Nos.3 adn 4.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 2nd February 2006

P.C. :

1. Heard the learned Counsel for the partie.

2. Rule. Respondents waive service.

3. The petitioner is a student who has cleared his 6th semester examination after re-valuation. He gave his 6th semester papers in April 2005. He was initially declared failed. Subsequently on re-valuation he has been declared as passed in the 6th semester. He is thus eligible to take admission to the 7th semester which he would have normally taken in June / July 2005, if the results were to be declared correctly in time. Since the result of the petitioner has come belatedly after re-valuation i.e. on 30th

December 2005, he obviously cannot join in the first term of the academic year 2005-06. He can however be permitted to join in the second term which has started from 1st December 2005 and which is still going on presently.

4. Ms.Dandekar appearing for the college states that the college is agreeable to provide coaching classes to the petitioner for the 7th semester though he will be now joining in the second term of the academic year 2005-06. Inasmuch as he will be joining now, there will be a shortfall in the attendance. He will, therefore, be deemed to have attended the required number of classes during the period December 2005 and January 2006. Mr.Pathan appearing for the petitioner states that he will take admission in couple of days i.e. on or before 4th of February 2006. If he takes admission, his term shall be deemed to be effective from 1st December 2005 and the intervening absence will not be read against him. The respondents are directed to act accordingly.

5. Rule made absolute in the aforesaid terms.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)